

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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KATHLEEN A. WAYMAN,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security

Defendant.
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**CONSENT ORDER TO REMAND
PURSUANT TO SENTENCE 4 OF
45 U.S.C. § 405(g)**


Hon. David E. Peebles
Civil Action No. 09-1088

This matter having been opened to the Court by Richard S. Hartunian, United States Attorney for the Northern District of New York, and Susan Reiss, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 20th day of August, 2010;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action pursuant to sentence four of 42 U.S.C. § 405(g), and it is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 111 S. Ct. 2157 (1991).

IT IS SO ORDERED:


David E. Peebles
U.S. Magistrate Judge

Dated: August 20, 2010

The undersigned hereby consent to the form and entry of the within order.

Richard S. Hartunian
United States Attorney

By: /s Susan Reiss
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